

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No. **2 1 8 3 9**

Sir:

This is a request for filing a [] continuation divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/544,398 filed on April 5, 2000, for HIGH BONE MASS GENE OF 11q13.3, by the following named inventor(s):

(a) Full Name John P. Carulli
(b) Full Name Randall D. Little
(c) Full Name Robert R. Recker
(d) Full Name Mark L. Johnson

22387 U.S.PTO
10/731739

121003

The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

(a) Full Name _____
(b) Full Name _____
(c) Full Name _____

This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

(a) Full Name _____
(b) Full Name _____
(c) Full Name _____

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 of Application No. 09/544,398
 Attorney's Docket No. 032796-217
 Page 2

Applicant(s) suggests Figure 4 for inclusion on the front page of the patent application publication and/or patent.

Applicant(s) requests that the published application include the following assignment information: Genome Therapeutics Corporation, 100 Beaver Street, Waltham, Massachusetts 02453 and Creighton University, 2500 California Plaza, Omaha, Nebraska 68178.

1. Enclosed is a copy of the prior Application No. as originally filed on , including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. The revised application incorporates amendments entered in the parent application and a revised recitation of the claim to priority. The revised application further includes revised drawings and amendments to the specification to conform the brief description of the drawings in the specification to the labeling of views in the drawings. No new matter has been added to the revised application.
3. Small entity status is hereby claimed.
4. The filing fee is calculated below and _____.

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims		MINUS 20 =		× \$18.00 (1202) =	
Independent Claims		MINUS 3 =		× \$86.00 (1201) =	
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$ <u>\$40.00 (8021)</u> if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					

5. This application is being filed without a filing fee. **Issuance of a Notice to File Missing Parts of Application is respectfully requested.**
6. Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
7. A check in the amount of \$ _____ is enclosed for the fee due.

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8. The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. Cancel in this application original claims _____ of the prior application before calculating the filing fee.
10. New drawings are enclosed.
11. Priority of Application No. _____ filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119.
 - The certified copy of the priority application
 - is enclosed.
 - was filed on _____ in prior Application No. ___, filed on ___, and acknowledged by the Examiner on _____ in Paper No. _____.
 has not yet been filed.
12. A preliminary amendment is enclosed.
13. An Information Disclosure Statement is enclosed.
14. A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. Also enclosed is a paper copy of the Sequence Listing and Request to Use Computer Readable Form of the Sequence Listing from Parent Application.
16. The power of attorney in the prior application is to Mercedes K. Meyer, Reg. No. 44,939, Nina L. Pearlmuter, Reg. No. 35,639, Robert L. Spadafora, Reg. No. 46,197 and Teresa Stanek Rea, Reg. No. 30,427.
 - a. The power appears in the original papers in the prior application.
 - b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. Recognize as Patent Agent Christopher L. North, Reg. No. 50,433.

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Page 4

d. Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Customer Number: **21839**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: December 10, 2003

By: 
Christopher L. North, Ph.D.
Registration No. 50,433

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

inventor(s)
 assignee of complete interest
 attorney or agent of record
 filed under 37 C.F.R. § 1.34(a)



13281 U.S. PTO
121003

Patent
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Customer Number: **21839**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: December 10, 2003

By: 
Christopher L. North, Ph.D.
Registration No. 50,433

ADDRESS OF SIGNATOR:

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inventor(s)
 assignee of complete interest
 attorney or agent of record
 filed under 37 C.F.R. § 1.34(a)